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Filing date: **06/19/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204897
Party	Plaintiff John G. Marino
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Signature	/Scott M. Behren/
Date	06/19/2014
Attachments	Marino Executed Affidavit.pdf(313779 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application Serial No. 85411955  
For the mark LAGUNA LAKES Published in the Official Gazette on  
February 28, 2012**

**Consolidated Opposition No:**91204897

91204941

**JOHN GERARD MARINO**

**v.**

**LAGUNA LAKES COMMUNITY ASSOCIATION, INC.**

**AFFIDAVIT OF JOHN GERARD MARINO  
IN SUPPORT OF RESPONSE TO MOTION TO DISMISS**

THE STATE OF FLORIDA

COUNTY OF LEE

I appeared and swore and attest as follows:

1. My name is John Gerard Marino and I have personal knowledge of the facts alleged herein.
2. I have been actively prosecuting my TTAB Complaints against the Laguna Lakes Community Association, Inc. ("LLCA") over the above-styled trademarks Laguna Lakes' trademark applications.
3. My TTAB Opposition to Serial No. 85411955 is primarily based upon my prior use of the mark and the geographic descriptiveness of the mark.
4. My testimony period was originally scheduled to end May 30, 2014.

During my testimony period, I intended to simply submit my own Declaration and to file a Notice of Reliance including deposition transcripts of previous depositions taken of the LLCA Board. Counsel for the LLCA took my deposition and was present for the depositions of the LLCA Board Members. At no time did I plan on calling, as part of my case, any surprise witnesses or exhibits.

5. At no time did my counsel in this matter advise me that I needed to have finalized my declaration in this matter by May 30, 2014, or I would have done so since I have taken this matter very seriously as it is very significant to my professional and personal life.

6. My Declaration and Notice of Reliance have been prepared and finalized for immediate filing with this Tribunal. The failure to get together the subject Declaration and Notice of Reliance prior to May 30, 2014, was the fault of my counsel, due to trial preparation, and was no fault of my own.

7. If this matter is dismissed, I would suffer severe prejudice including, an expectation that LLCA will attempt to stop me from doing business as Mr. Laguna Lakes, under which I have been doing business since 2004.

  
John Gerard Marino

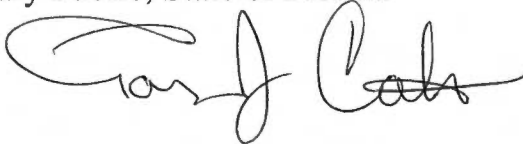
State of Florida

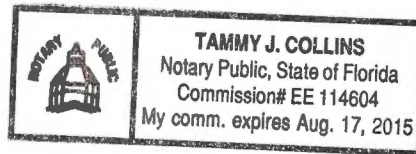
County of Lee

SWORN to and SUBSCRIBED before me, the undersigned authority, on  
the 19<sup>th</sup> day of June,  
2014 year, by

John Gerard Marino who is personally known to me or presented the following  
identification \_\_\_\_\_)

Notary Public, State of Florida





I HEREBY CERTIFY that a true and correct copy of the foregoing was  
furnished by electronic mail on this 17 day of June 2014 to: Donna M.  
Flammang, Esq., Brennan Manna & Diamond, P.L., 3301 Bonita Beach Road,  
Suite 100, Bonita Springs, FL 34134.

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